

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ANNETTE L. THIEL, d/b/a
SWEET VALLEY PRODUCE,

Plaintiff,

vs.

UNITED STATES
DEPARTMENT OF
AGRICULTURE, FARM
SERVICE AGENCY,

Defendant.

CV 09-168-BLG-RFC-CSO

ORDER

The parties have filed another motion to extend the time for filing an amended complaint. *See Court Docs. 16, 21*. The Court is concerned that this case has now been pending for more than one year and does not yet have an operative complaint of record.

A schedule may be modified upon a showing of good cause. Fed. R. Civ. P. 16(b). Good cause exists when the moving party demonstrates that it cannot meet the deadline despite exercising due diligence. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,

609 (9th Cir. 1992). Reasons such as “the press of other business” (*Court Doc. 21 at 2*) are not considered sufficient reasons for extensions of time and do not show the required due diligence. *Brooks v. Alameida*, 2008 WL 5000524 * 2 (*E.D. Cal. 2008*).

Nonetheless, the Court will grant a final extension of this deadline. Therefore,

IT IS ORDERED that the motion (*Court Doc. 21*) is GRANTED and Plaintiff shall have until January 14, 2011, to file her first amended complaint. There will be no further extension of this deadline.

DATED this 1st day of December, 2010.

/s/ Carolyn S. Ostby
United States Magistrate Judge